

## **REMARKS/ARGUMENTS**

By the *Final Office Action* of 09 July 2008, Claims 1-2, 4-17, and 19 are pending in the Application. All pending Claims are rejected. Applicant thanks the Examiner with appreciation for the careful consideration and examination.

By the present *Response and Amendment*, Claims 1-2, 4-17, 19, and 75-77 are pending in the Application. Claims 1-2 and 4 are amended herein, Claims 5-17 and 19 remain in their previous forms, Claims 3, 18, and 20-74 remain canceled, and Claims 75-77 are newly presented.

Applicant submits this *Response and Amendment* solely to facilitate prosecution. As such, Applicant reserves the right to present new or additional Claims in this Application that have similar or broader scope as originally-filed. Applicant also reserves the right to present additional Claims in a later-filed continuation application that have similar or broader scope as originally-filed. Accordingly, any amendment, argument, or Claim cancellation is not to be construed as abandonment or disclaimer of subject matter.

No new matter is believed introduced by this submission. It is respectfully submitted the present Application is in condition for allowance for at least the following reasons:

### **I. Claim Rejections Under 35 U.S.C. § 103**

Claims 1-2, 6-17, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2003/0001825 to Omura et al. (“Omura”) in view of U.S. Patent No. 6,702,125 to Hartel. Claims 4-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Omura in view of Hartel, and further in view of U.S. Patent No. 5,300,943 to Jakobs et al. (“Jakobs”).

Applicant herein clarifies Claim 1, provides clerical amendments to Claims 2 and 4, and presents new independent Claims 75 and 77 to more clearly present the patentable distinctions between the claimed invention and the cited combinations.

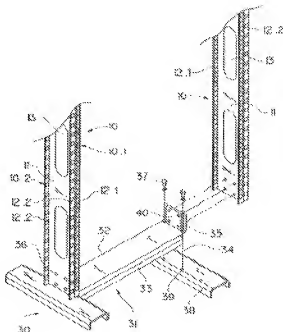
#### **A. The Cited Combinations Fail to Disclose a Continuous Level of Adjustment**

New independent Claims 75 and 77 recite, respectively, a “positioning assembly enabling positioning of the interactive display in a *continuous range* between the bottom height and the top height, wherein the interactive display is positionable *at any height* between the bottom height and the top height” and a “positioning assembly enabling positioning of the interactive display *at any height* between the bottom height and the top height.” Support for these

recitations can be found at least at ¶¶ 27-28 of the published *Specification* (see U.S. Patent Application No. 2005/0156952) and in its *Figures*. These recited feature of Claims 75 and 77 are not disclosed by the cited references or any combination of the cited references.

The Examiner alleges that Hartel discloses a “positioning element providing for a continuous level of vertical adjustment.” (*Final Office Action*, p. 3.) Hartel, however, fails to disclose the interactive display positionable *at any height* between the bottom height and the top height, as recited in Claims 75 and 77.

Specifically, Hartel discloses a frame having notches, or “attachment receivers,” for receiving a horizontal display. Each notch is spaced a predetermined distance from an adjacent notch. According to Hartel, “[e]ach of the profiled legs 12.1, 12.2 has a row of attachment receivers. The attachment receivers *are spaced apart from each other* in identical division patterns.” (Hartel, col. 3, ll. 18-20.) The set of notches thus define discrete vertical positions at which a display can be mounted. Fig. 5 of Hartel, reproduced herein, shows the discretely spaced notches.



Under Hartel, the display can be mounted **only at predetermined positions** defined by the notches in the frame. In other words, the Hartel display cannot be mounted at areas between the notches, so certain heights of the display device between the bottom and top heights are not achievable under Hartel. Accordingly, the interactive display cannot be positioned *at any height* between the bottom height and the top height.”

Additionally, none of the cited references or combinations thereof discloses the interactive display positionable at any height between a bottom height and a top height, as recited in Claims 75 and 77.

For at least these reasons, Applicant respectfully submits that independent Claims 75 and 77, and all claims dependent therefrom, *i.e.*, new Claim 76, are patentable over the cited references and are in condition for allowance.

**B. The Cited Combinations Fail to Disclose Counterbalancing the Interactive Display**

New Claim 77 recites a “positioning assembly . . . configured to counterbalance weight of the interactive display by applying an upward force to counteract a downward force of the interactive display.” Additionally, clarified Claim 1 now recites a “positioning element counterbalances the weight of the interactive display **by applying an upward force to counteract a downward force of the interactive display.**” Support for new Claim 77 and for this clarification of Claim 1 can be found at least at ¶ 47 of the published *Specification*. These recited features of Claim 77 and clarified Claim 1 are not disclosed by the cited references or any combination of the cited references.

The Examiner alleges that it would have been obvious to modify Omura and Hartel to provide “the weight of the interactive display allowing for the continuous level of vertical repositioning of the interactive display with a force of less than about 25 pounds.” (*Final Office Action*, pp. 2-3.) According to the Examiner, such a modification would involve a mere change in weight of the system. (*Id.* at 3.) Applicant respectfully submits that, in contrast to the Examiner’s rephrasing of the claim language, independent Claim 1 recites *counterbalancing* of the interactive display, which is not an obvious modification of the cited combination. Accordingly, Applicant respectfully submits new Claim 77 and the present clarification of Claim 1 to emphasize the patentable distinction between counterbalancing and a mere change of weight.

None of the cited references or combinations thereof discloses counterbalancing of the interactive display by applying an upward force. Further, no obvious modification of the cited references or cited combinations would result in these features of Claim 77 and clarified Claim 1.

For at least these reasons, Applicant respectfully submits that independent Claims 1 and 77, and all claims dependent therefrom, are patentable over the cited references and are in condition for allowance.

**C. Conclusion**

For at least the above reasons, Applicant respectfully submits that independent Claims 1, 75, and 77 are patentably distinct from the cited combinations and are in condition for allowance. Additionally, Applicant respectfully submits that the Claims ultimately dependent from Claims 1, 75, and 77, *i.e.*, Claims 2, 4-17, 19, and 76, are also in condition for allowance for the reasons

stated above, and for the further limitations contained therein. Thus, Applicant submits that all the pending Claims are patentably distinct from the cited combinations.

## **II. Fees**

Applicant herein expressly requests continued examination under 37 C.F.R. § 1.114 and submits the required fees for same. No other fees are believed due.

This *Response and Amendment* is being filed within six months of the *Final Office Action*, and more specifically within three months. Accordingly, no extension of time fee is believed due.

The number of Claims remains less than those paid for upon filing, so no Claim fees are believed due.

Authorization to charge Deposit Account No. 20-1507 is hereby expressly given for all fees deemed due.

### **CONCLUSION**

By the present *Response and Amendment*, Claims 1-2, 4-17, 19, and 75-77 are pending in the Application for examination purposes. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.3340.

Respectfully submitted,

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